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LETTER DATED 18 JUNE 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the agreement between the State of Eritrea and the Republic of Yemen, which was signed in Paris on 21 May 1996. In accordance with its Article 9, paragraph 1, a copy is conveyed herewith.

I should be grateful if you would bring the agreement to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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AGREEMENT ON PRINCIPLES

The Government of the State of Eritrea and the Government of the Republic of Yemen, hereinafter named "the Parties",

Prompted by the desire to re-establish their peaceful relations in the spirit of the traditional friendship between their two peoples,

Conscious of their responsibilities towards the international community as regards the maintenance of international peace and security as well as the safeguard of the freedom of navigation in a particularly sensitive region of the world,

Recalling the initiatives and efforts of the Federal Democratic Republic of Ethiopia and of the Arab Republic of Egypt,

Recalling the initiative of the Secretary-General of the United Nations advising that France bring its contribution to the process of a peaceful settlement of the dispute between Eritrea and Yemen,

Recalling the positive response of France to the request expressed by Eritrea and by Yemen for such a contribution, and the course of consultations then undertaken by France with Eritrea and with Yemen,

Have agreed as follows:

I. FUNDAMENTAL PROVISIONS

Article 1

1. The Parties shall renounce to resort to force against each other, and decide to settle their dispute on questions of territorial sovereignty and of delimitation of maritime boundaries peacefully.

1.1. They decide to establish an Arbitral Tribunal (referred to hereinafter as "the Tribunal") under the provisions of this Agreement and of the Arbitration Agreement which they shall agree upon pursuant to the provisions of this Agreement.

1.2. They shall request the Tribunal to provide rulings in accordance with international law, in two stages:

(a) in the first stage, on the definition of the scope of the dispute between Eritrea and Yemen, on the basis of the respective positions of the two Parties;

(b) in the second stage, and after having decided on the point mentioned in letter (a) above, on:

(i) questions of territorial sovereignty,

(ii) questions of delimitation of maritime boundaries.

2. They commit themselves to abide by the decision of the Tribunal.

3. Each Party shall refrain from any form of military activity or movement against the other Party. This commitment shall remain in force until the execution of the final decision of the Tribunal.

II. ARBITRATION

Article 2

The Arbitral Tribunal shall consist of five arbitrators. Each Party shall choose two arbitrators, and the fifth, who shall be the President of the Tribunal, shall be chosen by the four arbitrators who were chosen by the Parties. If no agreement can be reached between the four arbitrators, the fifth shall be chosen by the President of the International Court of Justice.

Article 3

1. The Tribunal shall provide rulings on questions of territorial sovereignty and of delimitation of maritime boundaries between the two Parties pursuant to the provisions mentioned in Article 1 of this Agreement.

2. Concerning questions of territorial sovereignty, the Tribunal shall decide in accordance with the principles, rules and practices of international law applicable to the matter, and on the basis, in particular, of historic titles.

Concerning the delimitation of maritime boundaries, the Tribunal shall decide taking into account the opinion that the Tribunal will have formed on questions of territorial sovereignty, the United Nations Convention on the Law of the Sea, and any other pertinent factor.

3. It can consult experts of its choice.

Article 4

1. The representatives of both Parties shall meet in Paris as soon as possible in order to establish the agreement instituting the Arbitral Tribunal. Such agreement shall provide for the terms of reference as well as, in particular, the methods of work and the rules of procedure of the Tribunal.

2. If the two Parties cannot reach an agreement before the 15th of October, 1996, they shall request the President of the International Court of Justice to entrust a judge of the Court with the task of establishing a binding agreement instituting the Arbitral Tribunal within thirty days.

III. CONTRIBUTION OF FRANCE

Article 5

The Parties shall entrust the Government of the French Republic with the task of:

(a) bringing to them its contribution for the establishment of the agreement instituting the Arbitral Tribunal and, in particular, proposing the date of the first of the meetings referred to in article 4, paragraph 1 herein above;

(b) in view of facilitating the implementation of article 1, paragraph 3 of this Agreement, monitoring any form of military activity or movement in accordance with technical arrangements that the Parties and France shall agree upon as soon as possible, in any case before the establishment of the agreement instituting the Arbitral Tribunal.

These arrangements, aimed at setting up a monitoring mechanism which shall be proposed by France in view of the requisite efficacy, shall be destined to avoid tension.

They shall specify the scope and the implementation of the monitoring, in particular the exercise by France of the freedom of overflight and of navigation, and other facilities as necessary.

France shall inform the Secretary-General of the United Nations on what will have been monitored.

IV. FINAL PROVISIONS

Article 6

Nothing in this Agreement, in particular the provisions mentioned in article 1 above, can be interpreted as being detrimental to the legal positions or to the rights of each Party with respect to the questions submitted to the Tribunal, nor can affect or prejudice the decision of the Arbitral Tribunal or the considerations and grounds on which that decision is based.

Article 7

This Agreement shall enter into force upon its signing by the Government of the State of Eritrea and by the Government of the Republic of Yemen.

Article 8

1. This Agreement shall be countersigned, as witnesses, by the Governments of the French Republic, of the Federal Democratic Republic of Ethiopia and of the Arab Republic of Egypt.

2. In so doing, the Government of the French Republic declares moreover that, on the basis of the commitments of both Parties contained in this Agreement, it accepts the tasks described in Article 5 of this Agreement.

Article 9

1. A copy of this Agreement shall be deposited with the Secretary-General of the United Nations, who shall bring it to the knowledge of the Security Council, as well as with the Secretary-General of the Organization of African Unity, and with the Secretary-General of the Arab League.

2. The agreement instituting the Arbitral Tribunal as well as the decision of the Arbitral Tribunal shall be deposited in the same conditions as those relating to this Agreement provided for in paragraph 1 above of this article.

3. This Agreement shall be established in two original copies, each one in the Arab, English and French languages, the English text being authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Agreement.

DONE AT PARIS, this twenty-first day of May, one thousand nine hundred and ninety-six.

For the Government of
the State of Eritrea

For the Government of
the Republic of Yemen

Witnesses

For the Government of the French Republic

For the Government of the Federal Democratic Republic of Ethiopia

For the Government of the Arab Republic of Egypt